

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SATOSHI TANIGAKI and ICHIRO KURAWAKI

Appeal No. 1997-4246
Application No. 08/542,085

HEARD: MAY 18, 2000

Before COHEN, STAAB, AND NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 23, all of the claims in the application.

Appellants' invention pertains to a straddling-type vehicle seat. A basic understanding of the invention can be

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derived from

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a reading of exemplary claim 1, a copy of which appears in the
APPENDIX to the main brief (Paper No. 14).

As evidence of obviousness, the examiner has applied the
documents listed below:

Kobayashi	4,699,427	Oct.
13, 1987		
Chiarella	5,108,076	Apr.
28, 1992		
Daimler-Benz	880,554	Oct. 25,
1961		
(Great Britain)		

The following rejections are before us for review.

Claims 1, 2, 7 through 9, 13, and 18 through 20 stand
rejected under 35 U.S.C. § 103 as being unpatentable over
Daimler-Benz.

Claims 3 through 6, 11, 12, 14 through 17, 22, and 23
stand rejected under 35 U.S.C. § 103 as being unpatentable
over Daimler-Benz in view of Kobayashi.

Claims 10 and 21 stand rejected under 35 U.S.C. § 103 as

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being unpatentable over Daimler-Benz, as applied to claims 9 and 20 above, further in view of Chiarella.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 15), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 14 and 17).

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied references,¹ and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the

¹ In our evaluation of the applied documents, we have considered all of the disclosure of each teaching for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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determinations which follow.

We reverse each of the examiner's rejections of appellants' claims under 35 U.S.C. § 103.

Appellants' independent claims 1 and 13 address a "straddle-type" vehicle seat. Based upon the underlying disclosure (specification, page 1), we understand the designation of the vehicle seat as being of the "straddle-type" to fairly denote a saddle type construction, commonly found on motorcycles, snowmobiles and water jet propulsion units, that requires a rider to sit astride (one leg on each side thereof) for balancing purposes.

Each of the obviousness rejections is based upon a modification of the upholstered seat disclosed in the Daimler-Benz reference that is intended for motor vehicles. As depicted (Fig. 1) and described (page 1, lines 33), the seat is used in conjunction with a back rest.

We certainly appreciate the examiner's point of view, to

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the effect that the Daimler-Benz seat may be capable of being straddled. However, as we see it, one having ordinary skill in the art would simply not consider the Daimler-Benz seat to be a "straddle-type" vehicle seat; the type of seat commonly found on

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motorcycles, snowmobiles and water jet propulsion units, with a construction that requires a rider to sit astride for balancing purposes.

Since, as explained, supra, the Daimler-Benz reference is not drawn to a "straddle-type" vehicle seat, modifications thereof, as set forth in each of the rejections before us, would clearly not yield the subject matter of independent claims

1 and 13, as well as respective claims dependent therefrom. It is for this reason that each of the examiner's rejections must be reversed.

REMAND TO THE EXAMINER

Appellants' specification (page 1) makes it quite clear that, prior to the present invention, the problem of permanent deformation in a straddle-type seat was known to be caused by repeated sitting in a commonly-used seat position. We perceive therefor that one having ordinary skill in the art would have been made aware of the longitudinal extent of the seat deformation (inclusive of deformation due to sliding).

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According to appellants, the deformation problem was previously corrected by increasing the entire seat firmness by using a thicker seat skin or changing the material or density of cushion stuffing.

On the other hand, Daimler-Benz reveals that the problem of the formation of a local depression in a seat is known, with a resolution being to incorporate beneath the more heavily loaded areas (Fig. 5) less flexible (denser) material, as compared to the rest of the seat. The examiner should collectively assess these latter teachings to ascertain whether they would have been suggestive to one having ordinary skill in the art of the straddle-type vehicle seat of claims 1 and 13. If so suggestive, the examiner should evaluate these same references alone or with other known and relevant references relative to the other claims in the application.

In summary, this panel of the board has:

reversed the examiner's rejection of claims 1, 2, 7 through 9, 13, and 18 through 20 under 35 U.S.C. § 103 as being unpatentable over Daimler-Benz;

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reversed the examiner's rejection of claims 3 through 6,
11, 12, 14 through 17, 22, and 23 under 35 U.S.C. § 103 as
being unpatentable over Daimler-Benz in view of Kobayashi; and

reversed the examiner's rejection of claims 10 and 21
under 35 U.S.C. § 103 as being unpatentable over Daimler-Benz
in view of Chiarella.

Additionally, we have remanded the application to the
examiner for the reasons set forth above.

The decision of the examiner is reversed.

REVERSED AND REMANDED

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IRWIN CHARLES COHEN))
Administrative Patent Judge)	
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)	BOARD OF PATENT
LAWRENCE J. STAAB)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	

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JEFFREY V. NASE)
Administrative Patent Judge)

ICC/sld

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